

REMARKS

Claims 18, 19, 21-31, 33-45, and 48-65 are pending in this application. Claims 23, 26-30, and 51-65 are withdrawn. Claims 18, 19, 21, 22, 24, 25, 31, and 33-50 stand rejected. By this response, claims 18, 33, 34, 40, 41, 43, and 50 are amended and claims 46-47 are canceled.

Interview Summary

The Applicant thanks Examiner Eric Bertram for his participation in a telephone interview with the undersigned on Monday, October 06, 2008. The participants discussed amending the claims in the manner set forth herein, and Examiner Bertram agreed that these amendments would overcome the pending rejections.

Obviousness-Type Double Patenting Rejections

The Office Action provisionally rejected claims 18, 19, 21, 22, 24, 25, and 31-50 on the grounds of obviousness-type double patenting over claims 1-21, 23, and 34 of U.S. Patent Application No. 10/971,549; claims 1, 19, and 25 of U.S. Application No. 10/971,577; and claims 1-24 of U.S. Application No. 10/972,298. As this provisional obviousness-type double patenting rejection is the only rejection remaining in the present application, the Applicant respectfully requests that the Examiner withdraw this rejection.

§ 102/103 Rejections

The Office Action rejected claims 18, 22, 32, 33, 35, 36, 43, 44, 46, 47, and 50 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,009,229 (“*Grandjean*”). Independent claims 18, 43, and 50, as presently amended, each require “a proximal opening adapted to allow the proximal end of the tension element to exit therethrough.” *Grandjean* does not teach or suggest that the lead 100 can be threaded over the proximal end of strand 120 during implantation. (See 4:4-11; FIG. 6.) Likewise, nowhere does *Grandjean* disclose a proximal opening in the lumen to allow the strand 120 to exit through a proximal end of the lead 100. Independent claims 18, 43, and 50, and the pending dependent claims are thus not anticipated

by *Grandjean*. Accordingly, the Applicant respectfully requests the withdrawal of this rejection and the allowance of these claims.

The Office Action rejected claims 38 and 48 under 35 U.S.C. § 103(a) over *Grandjean* in view of *Official Notice*. Claims 39, 40, and 49 were rejected over *Grandjean* in view of U.S. Patent 3,244,174. Claims 38, 39, and 40 depend from claim 18 and, therefore, are patentable at least for the reasons presented above with respect to claim 18. Claims 48 and 49 depend from claim 43 and are patentable for at least the reasons presented above with respect to claims 43. The Applicant respectfully requests the withdrawal of this rejection and the allowance of these claims.

In conclusion, the Applicant respectfully requests the allowance of all pending claims in this application. The Applicant invites the Examiner to contact the undersigned at the number listed below with any remaining questions.

Respectfully submitted,

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